

REMARKS

Claims 1-35 are currently pending in the subject application, and claims 1-10, and 18-35 are presently under consideration. Claims 1-9 have been amended, and claims 29-35 are new claims submitted herein for consideration, as shown on pages 5-10 of the Reply. In addition, the specification has been amended as indicated on pages 2-4. No new matter has been added.

Applicants' representative hereby affirms the election with traverse of Species I (recited in claims 1-10) for further prosecution on the merits. Accordingly, claims 11-17 have been withdrawn. Applicants' representative reserves the right to rejoin these withdrawn claims at a later date, or pursue the non-elected claims in a division application.

Applicants' representative thanks the Examiner for the courtesies extended during the telephonic conference on September 19, 2006, with Francis Dunn. As addressed in the conference, applicants' representative submitted, and the Examiner acknowledged, that the restriction made by the Examiner on August 7, 2006, did not address claims 18-28 which are presently pending and under consideration in the subject application. As such, applicants' representative submits that claims 18-28 have not been subject to a restriction requirement and further submits that the Examiner has not yet taken action as to these claims.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claim 2 Under 35 U.S.C. § 112

Claim 2 stands rejected under 35 U.S.C. § 112 due to minor informalities. Withdrawal of this rejection is respectfully requested in the light of amendments made to claim 2.

II. **Rejection of Claims 1-10 Under 35 U.S.C. § 102(b)**

Claims 1-10 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Mukherjea, *et al.* (US 6,415,282). It is requested that this rejection be withdrawn for at least the following reasons. Mukherjea, *et al.* does not disclose each and every element of the subject claims.

For a prior art reference to anticipate, 35 U.S.C. § 102 requires that “*each and every element* as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950 (Fed. Cir. 1999) (*quoting Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)) (emphasis added).

The claimed subject matter relates to a computerized interface for retrieving, organizing, and presenting data. In one aspect of the claimed subject matter, the interface can include a property analyzer that can receive a plurality of items and their associated properties (e.g., type, location, date), and analyze the respective items and properties. For example, an initial property can be employed to form a first level of clusterization. The property analyzer can analyze various possible clustering scenarios based on the other properties to see which clusterization will yield optimized clustering results. In an aspect of the claimed subject matter, such analysis can include automatically determining a score for each property using an algorithm, where the property receiving the highest score can yield optimized clustering results. Based upon the analysis by the property analyzer, another property can be automatically selected (e.g., the property with the highest score) and an item distribution can be determined based on the selected property. Thereafter, a cluster organizer can be employed to automatically form new clusters having optimized clusterization based in part on the selected property. The cluster organizer can then present the optimized grouping of new clusters to a user, for example.

In particular, independent claim 1, as amended, recites: a property analyzer that determines an item distribution and forms a plurality of first-level clusters based in part on a first property of a plurality of properties, and *automatically selects at least one other property and determines at least one other item distribution based in part on the at least one other property of the plurality of properties; and an organizer that automatically forms a plurality of new clusters based in part on the at least one other property, and presents the plurality of new clusters*. Mukherjea, *et al.* does not disclose these distinctive features of the claimed subject matter.

Rather, Mukherjea, *et al.* discloses an interface for query refinement, where the user can manually refine an initial query. (See col. 3, lns. 34-40). When the user issues a query, the user has the option of grouping the results (e.g., images) by an universal resource locator (URL), by how many keywords the results have in common, or by their composition (e.g., shape or object in an image). (See col. 4, lns. 46-54; and col. 7, lns. 23-65). The interface presents to the user the cluster information for the retrieved images, where the results are clustered in accordance with the grouping method (e.g., by URL) selected by the user. (See col. 4, lns. 60-63). Each cluster is represented in the interface by a glyph. (See col. 4, lns. 63-64). The user can click on the glyph representing the cluster, and the images in that cluster are shown to the user. (See col. 4, lns. 65-67). The user can then manually refine the search by choosing one of the images in the cluster, and then use the chosen image as another query. (See col. 5, lns. 38-42; and claim 1).

However, unlike the claimed subject matter, Mukherjea, *et al.* fails to disclose performing a first-level clusterization based on a first property and then *automatically selecting at least one other property and determining at least one other item distribution based on the at least one other property*. Further, Mukherjea, *et al.* fails to disclose *automatically forming a plurality of new clusters based in part on the at least one other property, and presenting the plurality of new clusters*. Rather, Mukherjea, *et al.* simply discloses making a first query that yields cluster groups and then *manually choosing an image* (e.g., member), such as a photograph, in one of the clusters and *using that image as a new query*. The image is *not a property*, as it is a member of the cluster, such as a photograph. Further, the image is *manually selected*, and is *not automatically*

selected by the interface. Moreover, Mukherjea, *et al.* is silent regarding forming new clusters based on the automatically selected property and presenting the new clusters.

In contrast, the claimed subject matter forms a first-level clusterization based on a first property of a plurality of properties, and then *automatically selects at least one other property* and determines at least one other item distribution based on the at least one other property. Further, the claimed subject matter also *automatically forms a plurality of new clusters based in part on the at least one other property, and presents the plurality of new clusters*. The new clusters are formed as a result of *a single query*. The claimed subject matter thereby optimizes the retrieval and display of desired information by displaying the desired information in a subset of easily manageable information clusters.

Furthermore, claim 7 additionally recites: *the clusterization score is calculated as a function of the number of items in each cluster and the number of clusters in the plurality of clusters*. Mukherjea, *et al.* does not disclose this distinctive feature of the claimed subject matter.

Rather, Mukherjea, *et al.* simply discloses a process for extracting objects (e.g., an airplane) from an image, such as a photograph, and using a comparison algorithm and template images to determine what the extracted object is. (See col. 7, ln. 35 – col. 18, ln. 19). Mukherjea, *et al.* does not disclose determining a clusterization score, let alone calculating a clusterization score as a function of the number of items in each cluster and the number of clusters in the plurality of clusters.

In contrast, the claimed subject matter can calculate a clusterization score as a function of the number of items in each cluster and the number of clusters in the plurality of clusters. The clusterization score can be utilized to determine the at least one other property to be selected and used in forming the new clusters with optimized results.

Moreover, claim 8 additionally recites: *the clusterization score is calculated as a function of a total number of items and the number of items in each cluster of the plurality of clusters*. Mukherjea, *et al.* also does not disclose this distinctive feature of the claimed subject matter.

For reasons similar to those stated, *supra*, Mukherjea, *et al.* fails to disclose calculating the clusterization score, as claimed.

In view of at least the foregoing, it is readily apparent that Mukherjea, *et al.* fails to disclose each and every element of the claimed subject matter as recited in independent claim 1 (and associated dependent claims 2-9). Accordingly, it is believed that the subject claims are in condition for allowance, and the rejection should be withdrawn.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063[MSFTP531US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

AMIN, TUROCY & CALVIN, LLP

/HIMANSHU S. AMIN/

HIMANSHU S. AMIN

Reg. No. 40,894

AMIN, TUROCY & CALVIN, LLP
24TH Floor, National City Center
1900 E. 9TH Street
Cleveland, Ohio 44114
Telephone (216) 696-8730
Facsimile (216) 696-8731